



**HUMAN RESOURCES OFFICE  
TECHNICIAN / AGR ADMINISTRATIVE INSTRUCTION  
(TAAI)**

Number: 06-30

10 July 2006

**PROCESSING CLAIMS FOR RESTORATION OF ANNUAL LEAVE UNDER  
BUTTERBAUGH V. DEPARTMENT OF JUSTICE**

1. Reference memorandum, Office of the Under Secretary of Defense, 7 June 06, subject: Administrative Claims for Leave as a Result of the Decision in Butterbaugh v. Department of Justice, 336 F.3d 1332 (Fed. Cir. 2003).
2. This TAAI supersedes all TAAIs on this subject, eliminates the application of the Barring Act (requiring that claims must be less than 6 years old), and introduces new guidance for submitting Butterbaugh claims directly to DFAS.
3. Public Law 106-554 enacted 21 December 2000, changed the way military leave is processed. Prior to enactment, military leave was chargeable in whole-day increments. Additionally, periods of non-duty (such as weekends or holidays) were also chargeable while on military orders. As a result, employees were forced to take annual leave or leave without pay to complete their annual training. With the new law, military leave is now charged in one-hour increments and leave is not charged for periods of non-duty.
4. Under Butterbaugh, the court ruled that agencies should not have charged military leave for non-workdays that occurred within that period of military duty. This decision applies to Federal employees who are current or former National Guard Military Technicians that may have been improperly charged military leave resulting in the loss of annual leave. Other more recent rulings from February 2006 have provided for annual leave restoration and claim submission for periods as far back as 1 October 1980.
5. Current or former federal technicians who were charged military leave for non-work days, or who believe they have a valid claim under Butterbaugh, may submit a written request (claim) for leave restoration directly to the Defense Finance and Accounting Service (DFAS) using the enclosed claim form.
6. Employees who did not work Monday through Friday should indicate what their work schedules were during the applicable timeframe(s). Employees should indicate whether, as a result of being charged military leave on a non-work day, they used annual leave or leave without pay to fulfill reserve duty.
7. Supporting documents should include a certificate of attendance for each period of active duty. Claimants are encouraged to provide their civilian leave and earnings statements reflecting the improper charge of military leave, (if they have them). The claim should specify each non-workday that the claimant was charged military leave.

TAAI 06-30, 10 July 2006

SUBJECT: Processing Claims for Restoration of ANNUAL Leave Under Butterbaugh v. Department of Justice

Additionally, claimants should identify current services payroll offices and **mark their envelopes "Butterbaugh Claim."** Mail the form to:

DFAS Payroll Office  
PO Box 33717  
Pensacola, FL 31508-3717

8. Those employees who have already filed claims and had their claims adjudicated, may submit amended claims that seek relief back to the first date they were improperly charged military leave *after* 30 September 1980.

9. The burden of proof supporting restoration of leave is with the technician, therefore ensure that the claim form and additional materials are complete and legible. It is unclear how long DFAS will take to process claims. Please monitor your Leave and Earnings Statement for restored leave credit.

10. Questions regarding this TAAI may be directed to Capt Ken DeCelle, HRO Employee Relations Specialist at CAGNET 6-3411, DSN 466-3411, COM (916) 854-3411. or [kenneth.decelle@us.army.mil](mailto:kenneth.decelle@us.army.mil).

Encl

  
STUART D. EWING  
Captain, CA ANG  
Deputy Human Resources Officer

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[illegible]

4. My work schedule during the applicable timeframes was:  
a. Monday-Friday **OR**  
b. Other: \_\_\_\_\_

5. I used one of the following to fulfill reserve duty: ( circle one)  
a. Annual leave  
b. Leave Without Pay  
c. Both

6. My servicing payroll office is\*: (Circle one)

**Charleston**

**Denver**

**Pensacola**

7. I have attached the required documentation to support my claim:  
a. Copy of military orders, military pay records, or Military LES.  
b. Copy of Civilian LES reflecting the improper charge of military leave.  
c. Certification of attendance

8. In mailing my form ***directly*** to DFAS, I have annotated the envelope with "**Butterbaugh Claim.**"

9. By signing and submitting this claim I declare, under penalty of perjury, that this is a truthful and accurate representation of my claim and that the attached document/s is/are exact, correct and complete copy/s of the original document/s in my possession.

Signature\_\_\_\_\_

Printed Name\_\_\_\_\_

Date\_\_\_\_\_

Once complete, mail this form and supporting documents to:

DFAS Payroll Office, PO Box 33717, Pensacola, FL 31508-3717

\*To determine your payroll office, check for your Payroll Office ID Number in the remarks section of your ***civilian*** LES.

Charleston Payroll Office: 97380600, 97380700, 97381000, 97381100, 97381400, 97381500

Denver Payroll Office: 97300800

Pensacola Payroll Office: 97380100, 97380500, 97381200